

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

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| CHAZMAL A. MILLER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | CIVIL NO. 2010-92 |
| |) | |
| VICTOR BROWNE, DIRECTOR |) | |
| VIRGIN ISLANDS FIRE SERVICE, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

ORDER

This matter is before the Court on defendants’ unopposed motion to stay discovery pending a ruling on their pending motion to dismiss. Defendants move to stay discovery on the basis that a ruling on the motion to dismiss is likely to dispose of the entire case.

“A trial court has broad discretion ‘to stay discovery until preliminary questions that may dispose of the case are determined.’” *Keystone Coke Company v. Pasquale*, 1999 U.S. Dist. LEXIS 170, *3 (E.D.Pa. January 7, 1999) (citing *Petrus v. Bowen*, 833 F.2d 581, 582 (5th Cir. 1987)). However, stays are not preferred and a “party seeking a stay of discovery must establish ‘good cause’ for such a stay.” *Coyle v. Hornell Brewing Co.*, 2009 U. S. Dist. LEXIS 49109, *9 (D.N.J. June 9, 2009) (citations omitted). Further, “[t]he mere filing of a dispositive motion does not constitute ‘good cause’ for the issuance of a stay of discovery. *Id.* at *10 (citations omitted). “The party seeking to stay discovery ‘must make out a clear case of hardship or inequity in being required to go forward, if there is even a fair possibility that the stay . . . will work damage to

Miller v. Browne, et al.
Civil No. 2010-92
Order
Page 2 of 2

some one else.” *Id.* (citing *Landis v. North American Co.*, 299 U.S. 248, 254, 57 S. Ct. 163, 81 L.Ed. 153 (1936)). Further, “stays are not favored because when discovery is delayed or prolonged it can create management problems which impede the court’s responsibility to expedite discovery and cause unnecessary litigation expense and problems.” *Id.* at *9-10.

Here, defendants have not made out a clear case that going forward with discovery pending a ruling on their motion to dismiss will be a hardship or will be inequitable, and staying discovery will impede plaintiff’s ability to move the case toward resolution. As indicated above, the Court has a responsibility to expedite discovery and defendants have failed to establish sufficient justification to stay discovery in this action.

For the foregoing reasons, the defendants’ motion is DENIED.

S_____
RUTH MILLER
United States Magistrate Judge